

Exhibit IND16

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

NEUROGRAFIX, a California corporation;
WASHINGTON RESEARCH FOUNDATION, a
not-for-profit Washington corporation,

Plaintiffs,

vs.

SIEMENS MEDICAL SOLUTIONS USA, INC., a Delaware corporation; and SIEMENS AKTIENGESellschaft, a German corporation,

Defendants.

SIEMENS MEDICAL SOLUTIONS USA, INC.,

Counterclaimant,

VS.

NEUROGRAFIX, and WASHINGTON
RESEARCH FOUNDATION

Counterdefendants.

Case No. 10-CV-1990 MRP (RZx)

[Assigned to The Honorable Mariana R. Pfaelzer]

**EXPERT REPORT OF MICHAEL E.
MOSELEY CONCERNING U.S.
PATENT NO. 5,560,360**

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29. Further, one of ordinary skill in the art trying to analyze and quantify conspicuity would likely understand “conspicuity” to include more than merely contrast, and would include within their assessment of conspicuity such factors as size, complexity, shape, contrast, contrast-to-noise, signal-to-noise, and edge sharpness. People in the field have explained many different ways to quantify conspicuity based on that understanding.

30. For instance, Hallberg, et al. (13 Investigative Radiology 439) describe a method for calculating the conspicuity of a structure in an image, and describe conspicuity as:

$$\text{conspicuity of structure} = \frac{\text{mean contrast}}{\text{surround complexity}} = \frac{\overline{\Delta D}}{\overline{\nabla}^2}$$

where $\overline{\Delta D}$ is the average contrast and $\overline{\nabla}^2$ is the approximated surround complexity, determined as indicated in Hallberg, et al.

31. Seeley, et al. (19 Investigative Radiology 583) also describe a method for calculating the conspicuity of a structure in an image, and describe conspicuity as:

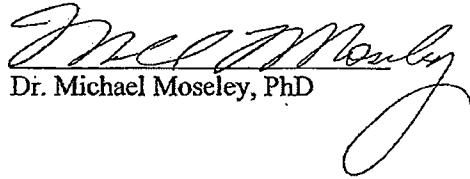
$$\text{conspicuity of lesion structure} = \frac{S * \Delta D}{\nabla^2 * EI}$$

where S is the lesion size, ΔD is the lesion contrast, ∇^2 is the surround complexity, and EI is the edge index.

32. These and other methods for quantifying conspicuity of a structure could, and likely would, lead to a different numerical value for conspicuity.

33. The measured or calculated conspicuity would also differ greatly depending on the subjective determination of which portion or portions of the structure to assess, for instance whether the observer chose to compare an entire nerve bundle or instead some substructure, and how the region of interest is selected for measurement.

Dated: January 24, 2011


Dr. Michael Moseley, PhD